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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,291	03/13/2001	Sergey Zozulya	P 0278005	9279

7590 06/24/2004

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EXAMINER

GOLDBERG, JEANINE ANNE

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. It is noted continued examination under 37 CFR 1.1 14 does not apply to an application unless prosecution in the application is closed. The instant application was under a non-final office action, therefore, prosecution was not closed. Since the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111.
2. However, the amendment filed on April 6, 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention. Applicant elected claims drawn to nucleic acids for examination on the merits, see Office Action mailed October 7, 2003. Claims drawn to methods for identifying effects of a compound in a mammal by assaying the effect of compounds on polypeptides. The nucleic acids originally presented are patentably distinct from the newly presented method. The nucleic acids are not relied upon in the instant method. Rather the claims are directed to using polypeptides.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jeanine Goldberg whose telephone number is (571) 272-0743. The examiner can normally be reached Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571) 272-0745.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeanine Goldberg

Patent Examiner

June 13, 2004